

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**EILEEN CHAMBERLAIN, Individually  
and on Behalf of All Those Similarly  
Situated,**

**Plaintiff,**

**vs.**

**US BANCORP CASH BALANCE  
RETIREMENT PLAN, and  
MERCANTILE BANK CASH BALANCE  
RETIREMENT PLAN,**

**Defendants.**

**No. 04-CV-0841-DRH**

**ORDER**

**HERNDON, District Judge:**

Now before the Court is Defendant's motion to dismiss in light of the Seventh Circuit's decision in ***Cooper v. IBM Personal Pension Plan***. (Doc. 52.) Plaintiff responds that she does not oppose dismissal of her Complaint with prejudice. (Doc. 55.) Therefore, the Court **GRANTS** Defendant's motion (Doc. 52) and **DISMISSES** this cause with prejudice. Each party to bear its own costs and fees. Clerk to enter judgment accordingly.

**IT IS SO ORDERED.**

Signed this 20th day of March, 2007.

/s/ David RHerndon  
**United States District Judge**